

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF WEST VIRGINIA
At Wheeling**

**TRANS ENERGY, INC., a
Nevada Corporation,
REPUBLIC PARTNERS VI,
LP, a Texas limited partnership,
REPUBLIC ENERGY VENTURES,
LLC, a Delaware Limited Liability
Company, and PRIMA OIL COMPANY,
INC., a Delaware Corporation,**

Plaintiffs,

CIVIL ACTION NO. 1:11-cv-00075

vs.

**EQT PRODUCTION COMPANY, a
Pennsylvania Corporation,**

Defendant.

PLAINTIFFS' MOTION FOR SUMMARY JUDGMENT

COME NOW Plaintiffs Trans Energy, Inc., Republic Partners VI, LP, Republic Energy Ventures, LLC and Prima Oil Company, Inc., by counsel Stuart A. McMillan, Kimberly S. Croyle, Dylan C. Lewis, and the law firm of Bowles Rice LLP and William B. Dawson (admitted *pro hac vice*) and the law firm of Gibson Dunn, pursuant to Rule 56 of the Federal Rules of Civil Procedure and request that this Court grant the Plaintiffs' Motion for Summary Judgment.

The seminal issue before this Court is whether Plaintiffs¹ or EQT Production Company (EQT) owns the gas and oil leasehold estates to a 3,800-acre tract of land located in Wetzel and Doddridge Counties, West Virginia referred to as the “Blackshere Lease.”

Plaintiffs derive their rights under the Blackshere Lease from South Penn Oil Company, which obtained its leasehold rights in 1892 from John Blackshere *et al.*, the oil and gas owners of the property. From South Penn Oil Company, the original lessee, to the Plaintiffs, an unbroken and complete chain of title exists.

Plaintiffs’ Motion for Summary Judgment should be granted based on the following: (1) Plaintiffs have clear, unbroken and unambiguous record title supporting right, title and interest to the oil and gas leasehold estates underlying the Blackshere property; (2) Plaintiffs are bona fide purchasers for value without notice based upon the undisputed record of this case; and (3) EQT, as a matter of law, can never be a bona fide purchaser for value without notice because its claim to title is based upon a “wild deed: and, as such, will always have inferior title to those who acquire interest through the South Penn Oil Company chain.

Against this undisputed record, this Court has authority under W. Va. Code § 55-13-1 *et seq.*, to enter an Order finding that the Plaintiffs have superior title to the Blackshere Lease and that Plaintiffs are bona fide purchasers for value of the Blackshere Lease without notice of any suspicious circumstances to put them on inquiry.

WHEREFORE, as more fully set forth in the accompanying memorandum of law, Plaintiffs respectfully request that this Court enter an Order granting Plaintiffs’ Motion for Summary Judgment and dismissing EQT’s counterclaims against them.

¹ Plaintiff, Prima Oil Company, Inc., purchased the Blackshere Lease in a 2004 acquisition from Cobham Gas Industries, Inc. For the purpose of this Motion and clarity, the different plaintiffs will be referred to as Plaintiffs except in those instances where the individual plaintiff will be designated.

TRANS ENERGY, INC.,
REPUBLIC PARTNERS VI, LP,
REPUBLIC ENERGY VENTURES,
LLC, and PRIMA OIL COMPANY,
INC.

By Counsel.

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Inc.*

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CERTIFICATE OF SERVICE

The undersigned counsel for Plaintiffs, Trans Energy, Inc., Republic Partners VI, LP, Republic Energy Ventures, LLC, and Prima Oil Company, Inc., hereby certifies that the foregoing **Plaintiffs' Motion for Summary Judgment** was electronically filed with the Clerk of the Court using the CM/ECF system which will send notification of such filing to Ramonda C. Lyons at rlyons@lgcr.com and Richard L. Gottlieb at rgottlieb@lgcr.com.

Dated this 5th day of September 2012.

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